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Attorneys for Defendant
Facebook, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**CHRISTINE HOLT, individually and on behalf of
all others similarly situated,**

Plaintiff,

V.

FACEBOOK, INC.,

Defendant.

CASE NO.: 3:16-cv-02266-JST

FACEBOOK, INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY

Am. Compl. Filed: July 22, 2016

Judge: Hon. Jon S. Tigar

1 Defendant Facebook, Inc. hereby brings to this Court's attention a recent decision of the U.S.
 2 Court of Appeals for the Ninth Circuit. In *Van Patten v. Vertical Fitness Group, LLC*, No. 14-55980
 3 (9th Cir. Jan. 30, 2017) (Exhibit A), the Ninth Circuit affirmed the district court's grant of summary
 4 judgment on the plaintiff's claims under California's Unfair Competition Law. See slip. op. at 21–
 5 23. The Ninth Circuit held that that the plaintiff lacked standing to bring a UCL claim premised on
 6 the receipt of a text message, because the plaintiff "ha[d] not shown and [could not] demonstrate any
 7 economic injury" that was not "hypothetical and conjectural." *Id.* at 23. Facebook respectfully
 8 submits that *Van Patten* is relevant to the issues presented by Facebook's pending Motion to Dismiss
 9 Plaintiff's First Amended Complaint (ECF No. 36).

10 Dated: February 3, 2017

11 Respectfully submitted,
 12 KIRKLAND & ELLIS LLP

13 /s/ Andrew B. Clubok

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Attorneys for Defendant Facebook, Inc.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 3, 2017, I electronically filed the foregoing with the Clerk of the
3 Court by using the CM/ECF system which will send a notice of electronic filing to all persons registered
4 for ECF. All copies of documents required to be served by Fed. R. Civ. P. 5(a) and L.R. 5-1 have been so
5 served.

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7 Sarah Farley

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